

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and)	CG Docket No. 17-59
Eliminate Illegal Robocalls)	
)	

REPLY COMMENTS OF SOMOS, INC.

Somos, Inc., the Toll-Free Numbering Administrator and the North American Numbering Plan Administrator, files these reply comments in support of the Petition for Reconsideration filed by USTelecom – The Broadband Association.¹ These reply comments focus on the issue of notification to a calling party when a call is blocked pursuant to a Do Not Originate (DNO) list. Somos supports the petition’s request that these calls not be included in the requirement to notify the calling party that such call was blocked. Somos does not take a position on the rest of the petition.

Somos generally agrees with the Commission’s initial assessment that there are benefits to calling party notification of blocked calls in those cases where it is possible for the number to be used to make legal outbound calls.² However, that benefit is not present when the identified number in the call cannot or will not be used to make any outbound calls. If such a call is initiated, it is not done by the party with the right to use the number. Such notification could alert the party spoofing that number that it is being blocked, leading them to try spoofing a

¹ Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association filed in WC Docket No. 17-59 on May 6, 2021 (“USTelecom Petition”).

² Advanced Methods to Target and Eliminate Unlawful Robocalls, Fourth Report and Order, 35 FCC Rcd 15221 (2020) at para 54.

different number. Lack of notification may also allow time for traceback efforts to track down the party spoofing the number, if such call is designated for traceback efforts.

Somos agrees that there is value to notifying calling parties when their calls are blocked by analytic engines³. Many Toll-Free subscribers use their Toll-Free Numbers (TFNs) in outbound calling in order for the recipient to recognize the calling party and, hopefully, answer that call. For example, when American Airlines needs to notify people of a flight change due to bad weather in one of their hub cities, a passenger is more likely to answer the call if it says “American Airlines, 1-800-433-7300” than if it comes from a random ten-digit number. If American Airlines’ calls were suddenly being blocked because of an unusually large volume of calls going out in a short period, American Airlines will need to know that right away.

However, that same logic does not apply when blocking calls pursuant to an industry DNO list.⁴ Somos is very aware that scammers and illegal robocallers (collectively referred herein as “scammers”) spoof TFNs in order to lend credibility to that particular call. Consumers know that TFNs usually belong to legitimate businesses, making it more likely for the consumer to answer the phone. The constant spoofing of TFNs can undermine the integrity and value of the entire Toll-Free system.

Somos maintains a DNO list that contains nearly 29 million Toll-Free Numbers and growing. There are three buckets of numbers currently in the Somos DNO list. The first is approximately 14 million non-dialable TFNs which includes all 8YY-0XX-XXXX and 8YY-1XX-XXXX, as well as 8YY-911-XXXX and other closed 8YY exchanges. No call using one of these exchanges should ever be originated. Per calling guidelines in the United States, numbers in those exchanges cannot be assigned to a customer. Therefore, if they appear in the

³ See, Response of Lumen at 2-4.

⁴ In addition to Somos’ own DNO list, USTelecom also maintains a DNO list. USTelecom Petition at 10.

Caller ID, the number is always spoofed. It is surprising just how many calls use one of these numbers as the Caller ID. A Federal Agency that has supplied Somos with a list of attempted scam calls sent a list containing the following Caller ID information:

800-055-5655
800-070-5012
800-081-3258
800-102-2233
800-103-0304
800-103-6001
800-108-9922
800-111-0002
800-111-0828
800-120-0660
800-123-0012
800-140-4870
800-159-9781
800-177-1405

None of the aforementioned numbers are dialable. They should never be used to generate calls in the US and should be blocked, as they are spoofed by scammers.

Similarly, the Somos Toll-Free Number Registry (TFNR) has up-to-the-minute information on which TFNs have been reserved and which ones are in the spare pool, (meaning they are not assigned, not in use, and are available to be reserved). Similar to non-dialable numbers, there are no legitimate calls being made with the Caller ID of an unassigned and available spare TFN. There are about 14 million numbers currently in the TFNR spare pool. Numbers in the spare pool are included in the Somos DNO list. This changes constantly, and Somos keeps its DNO list current via constant updates. Once a TFN is reserved, it is immediately removed from the DNO list. Likewise, as soon as a number becomes available in the spare pool, that number is immediately added to the DNO list.

Finally, there are around 750,000 (and growing) TFNs placed on the DNO list by Resp Orgs⁵ on behalf of itself or the Resp Orgs' customers. There are many reasons why a subscriber may choose not to make any outbound calls using their TFN. For example, there are many TFNs used for data analytics and dynamic ad insertion.⁶ These numbers take inbound calls only and would never make an outbound call. There are also more traditional end users who take only inbound calls over their TFN and do not make an outbound call using that number. For example, taxpayers call the IRS at 800-TAX-1040, but an IRS agent calling a taxpayer uses their direct line so that when the taxpayer calls them back, it goes right to the IRS agent that made the call, and not the general taxpayer help line. In this bucket of numbers, the subscriber has determined that they will not make outbound calls using their TFN as Caller ID.

If the rules stand as is, an immediate blocking notification will go back to the caller for all numbers on a DNO list. In every case, the notification will be delivered to a scammer and never an actual subscriber. Scammers then know to try different numbers until they find a number that gets through. For the 28 million non-dialable or spare TFNs, there isn't even a subscriber for the number. Not only is there clearly no benefit to any TFN subscriber, but it creates actual harm by alerting the scammer that the particular spoofed number for its outbound Caller ID is getting blocked.

Somos has just started beta trials for use of our DNO list. Preliminary results from a single day show that TFNs on the DNO list made up more than 17% of one carrier's traffic displaying a TFN as Caller ID. This equaled about one million call attempts that could be

⁵ Resp Orgs, or Responsible Organizations, are the designated representative of the end user to use the TFNR. 47 CFR 52.101(b).

⁶ Dynamic ad insertion is where a particular TFN will appear in a particular search or website, as opposed to the usual number to contact that business. When a call comes in using that TFN, the business knows where on the web the caller spotted the business's ad, allowing the business to know where best to spend their Internet ad dollars.

stopped using a DNO list. Those million plus calls are exactly the type of calls that should be blocked at the network level and should also be exempt from the notification requirements. While not a carrier, Somos believes that the DNO notification burden on a carrier's network for such a volume of blocked calls could be significant.

Somos appreciates that the Commission has to balance the ability to get the "legitimate calls" through the network with the ability to stop the "bad calls" from ever originating. There is certainly a case to be made that calls blocked by analytics engines require some form of notification to the calling party in order to make sure that those "legitimate calls" get through to their intended party. Such a balance is moot, however, when the blocking takes place pursuant to a DNO list. We urge the FCC to make notification of blocking based on an industry DNO list exempt from the notification requirements.

Respectfully submitted,

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